

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : WNBA Enterprises, LLC
MARK : NEW YORK LIBERTY AND DESIGN
FILING DATE : February 3, 1997
SERIAL NO. : 75/235781
CLASS : International Class 9

To: Assistant Commissioner For Trademarks
BOX TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

12-12-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

NOTICE OF EX-PARTE APPEAL

In Office Action No. 2, dated June 12, 2002, following the examination of Applicant's statement of use, the Examining Attorney made final the refusal to register the mark NEW YORK LIBERTY AND DESIGN for Applicant's products in international class 9, stating that the mark does not function as a trademark, under Sections 1, 2 and 45 of the Trademark Act, 15 U.S.C. Sections 1051, 1052 and 1127.

02 DEC 30 AM 9:30

TRADEMARK TRIAL AND APPEAL BOARD

On November 1, 2002, Applicant filed a Request for Reconsideration, along with a substitute specimen of the mark and the Declaration of Applicant's attorney indicating that the substitute specimen was in use in commerce prior to the expiration of the deadline for filing the Statement of Use.

As Applicant is still awaiting a response to its Request for Reconsideration,

Applicant hereby appeals the Examining Attorney's decision to the

12/24/2002 CMAY11 00000140 233271 75235781

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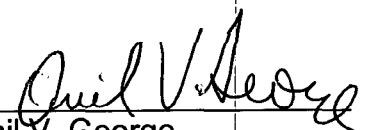
Trademark Trial and Appeal Board to preserve its rights in the captioned application.

Please debit the filing fee of \$100.00 for this Notice of Appeal from WNBA Enterprises, LLC Deposit Account No.23-3271. Any additional charges may also be debited against this account.

WNBA ENTERPRISES, LLC

Dated: December 12, 2002

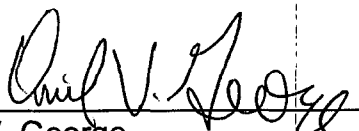
By:


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CERTIFICATE OF MAILING BY EXPRESS MAIL
EXPRESS MAIL LABEL NO.: EL428496784US
Date of Deposit December 12, 2002

I hereby certify that this paper is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: the Assistant Commissioner for Trademarks, BOX TTAB FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on December 12, 2002.

Date: December 12, 2002


Anil V. George